



0003134398

EDDIE R. JIMENEZ (CA SBN 231239)
MATTHEW R. CLARK (CA SBN 271054)
PITE DUNCAN, LLP
4375 Jutland Drive, Suite 200
P.O. Box 17933
San Diego, CA 92177-0933
Telephone: (858) 750-7600
Facsimile: (619) 590-1385

Attorneys for WELLS FARGO BANK, NA

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA - SACRAMENTO DIVISION

In re

DARRO R. SKIDMORE AND DONNA M.
SKIDMORE,

Debtor(s).

Case No. 10-37523

Chapter 7

D.C. No. PD-1

DECLARATION IN SUPPORT OF
MOTION FOR RELIEF FROM
AUTOMATIC STAY
(11 U.S.C. § 362 and Bankruptcy Rule 4001)

WELLS FARGO BANK, NA,

Movant,

vs.

DARRO R. SKIDMORE AND DONNA M.
SKIDMORE, Debtor(s); DAVID GRAVELL,
Chapter 7 Trustee,

Respondents.

LBR 4001-1 and 9014-1(f)(1)

DATE: January 13, 2011

TIME: 9:30 a.m.

CTRM: 33

501 "I" Street
Sacramento, CA 95814

I, Teresa Diaz-Cochran, declare:

1) I am employed as a Bankruptcy Analyst by Wells Fargo Home Mortgage, a division of Wells Fargo Bank, NA ("Movant"). I have personal knowledge of the matters set forth in this declaration and, if called upon to testify, I could and would competently testify thereto. I am over 18 years of age. I have knowledge regarding Movant's interest in the real property that is the subject of this Motion.

1 2) I am familiar with the manner and procedures by which Movant's business records are
2 obtained, prepared, and maintained. Those records are obtained, prepared, and maintained by Movant's
3 employees or agents in the performance of their regular business duties at or near the time, and
4 conditions, and/or events recorded thereon. The records are made either by persons with knowledge of
5 the matters they record or from information obtained by persons with such knowledge. I have knowledge
6 and/or access to Movant's business records regarding the Note and Deed of Trust that are the subject of
7 this action and have personally reviewed these business records prior to executing this declaration.

8 3) On or about November 17, 2006, Debtors, for valuable consideration, made, executed and
9 delivered to Movant a Note in the principal sum of \$329,550.00 (the "Note"). Pursuant to the Note,
10 Debtors are obligated to make monthly principal and interest payments commencing January 1, 2007,
11 and continuing until December 1, 2036, when all outstanding amounts are due and payable. A copy of
12 the Note is attached to the concurrently served and filed Exhibits to the Declaration in Support of Motion
13 for Relief From Automatic Stay ("Exhibits") as exhibit A and incorporated herein by reference.

14 4) On or about November 17, 2006, Debtors made, executed and delivered to Movant a
15 Deed of Trust (the "Deed of Trust") granting Movant a security interest in the certain real property
16 located at 1619 Montrose Lane, Lincoln, California 95648 ("Real Property"), which is more fully
17 described in the Deed of Trust. The Deed of Trust provides that attorneys' fees and costs incurred as a
18 result of the Debtors' bankruptcy case may be included in the outstanding balance under the Note. The
19 Deed of Trust was recorded on November 21, 2006, in the Official Records of Placer County, State of
20 California. A copy of the Deed of Trust is attached to the Exhibits as exhibit B and incorporated herein
21 by reference.

22 5) The obligation under the Note is in default as of September 1, 2010, for failure to make
23 payments to Movant. As of October 22, 2010, the total obligation due and owing under the Note is in the
24 approximate amount of \$316,518.57, representing the principal balance of \$312,490.09 and interest in
25 the sum of \$4,028.48. This is an approximate amount for purposes of this Motion

26 ///

27 ///

28 ///

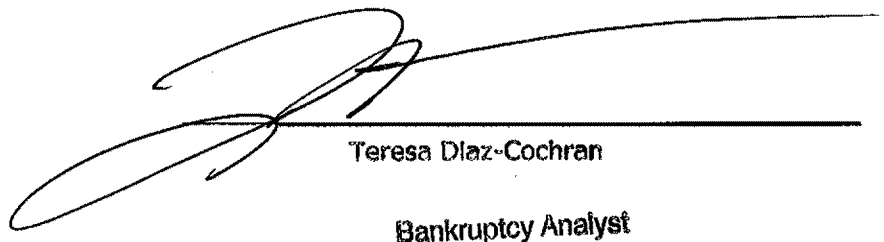
1 only, and should not be relied upon as such to pay off the subject loan as interest and additional
 2 advances may come due subsequent to the filing of the Motion. An exact payoff amount can be
 3 obtained by contacting Movant's counsel. Further, Movant has incurred additional post-petition
 4 attorneys' fees and costs in bringing the instant Motion. Moreover, the total arrears under the Note
 5 are in the approximate sum of \$3,846.34, excluding the post-petition attorneys' fees and costs
 6 incurred in filing the instant Motion.

7 6) I am informed and believe that, based on the Debtors' bankruptcy Schedules and
 8 Statements, the fair market value of the Property is approximately \$270,500.00. True and correct
 9 copies of the Debtors' bankruptcy Schedules "A" and "D" are collectively attached to the Exhibits as
 10 exhibit C and incorporated herein by reference.

11 7) Based on the above, Movant maintains that the equity in the Property is as follows:

12	Fair Market Value:	\$270,500.00
13	Less:	
14	Movant's Trust Deed	\$316,518.57
15	American First Credit Unions 2nd Deed of Trust	\$105,592.00
16	Costs of Sale (8%)	<u>\$21,640.00</u>
17	Equity in the Property:	\$<173,250.57>

18 I declare under penalty of perjury under the laws of the United States of America that the
 19 foregoing is true and correct. Executed this 7 day of 12, 2010, at
 20 FT Mill, SC (city, state).

21 
 22 Teresa Diaz-Cochran
 23 Bankruptcy Analyst